III.—CALLING ATTENTION TO THE ILLEGAL COLLECTION OF MONEY BY "PODU NALA SANGHAM" IN KEELA AYANAMBAKKAM

DR. H. V. HANDE : Sir, I wish to call the attention of the Hon. Minister for Home to a matter of urgent public importance, namely, the illegal imposition of fines and collection of money by a Sangham called 'Podu Nala Sangham', which was inaugurated by the Hon. the Minister for Home, in the village of Keela Ayanambakkam situated in Villivakkam division.

THE HON. SRI P. KAKKAN : Sir, there are about 600 houses in Keela Ayanambakkam village, the entire population of which belongs to the Harijan community. Some of the youths of that village were indulging in illicit distillation of arrack, rowdyism, seduction of women, etc., in utter disregard of the advice of their elders. Hence, the elders thought it necessary to check the anti-social activities of these irresponsible youths effectively and organised a "Podhu Nala Sangam". This Sangam was inaugurated on 1st April 1965 (by myself).

The Office bearers and members of the Sangam usually meet as and when necessary to hear complaints and chastise the wrong-doers. The Sangam does not take cognizance of thefts and other major issues but advise parties to seek redress at the appropriate quarters. The Sangam confines itself to the improvement of the moral standard of the Harijans in general. However, it takes a serious view of prohibition offences. It is reported that very good results have been achieved in this regard and the village has become almost completely free from this evil. The women also feel secure from the anti-social activities of irresponsible youths. The caste Hindus in the adjoining villages also bring cases of all disputes, rowdyism, anti-social acts, etc., in which the Harijans of Keela Ayanambakkam are concerned to the notice of the Sangam for chastising wrong-doers. It is not true to say that the members of the community are subjected to any kind of hardship.

It is true that the Sangam has been collecting small sums of money by way of voluntary donations towards the expenses for the annual festival of the local Ellamman Temple. It is also learnt that the owners of the brick chambers close by have donated about 3,000 bricks for the construction of a pucca building for the Sangam.

There has been no complaint so far to the Police that the Sangam has collected any money by coercion or threat.

IV.—GOVERNMENT MOTION.

RULES UNDER THE MADRAS LAND REFORMS (FIXATION OF CEILING ON LAND)[a] ACT, 1961.

THE HON. SRI V. RAMAIAH : Mr. Chairman, Sir, I move—

"That the draft of the Madras Land Reforms (Disposal of Surplus Land) Rules, 1965 which it is proposed to issue under

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[a] Laid on the table of the House on the 9th November 1965.

11th November 1965] [Sri V. Ramaiah]

sub-section (1) of section 94 of the Madras Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Madras Act 58 of 1961), be approved under the proviso to the said sub-section.''

The first batch of rules necessary for the implementation of the Land Ceiling Act were finalised and issued in an extraordinary issue of the Fort St. George Gazette on 29th September 1962. Rules regarding the mode of payment of compensation and the disposal of surplus lands were pending examination. The rules regarding the mode of payment of compensation have since been finalised. The draft of the rules relating to disposal of surplus land which it is proposed to issue under sub-section (1) of section 94 is placed on the Table of the House for approval under the proviso to the said sub-section.

Under the rules, application for assignment of surplus land should be made to the Authorised Officers within whose jurisdiction the land is situated and the District Revenue Officer will pass orders on those applications. Those eligible for assignment will be entitled to preference in the order given in rule 5, the maximum extent to be assigned depending on the extent of other land, if any, already held by them subject to a maximum of 5 standard acres and in the case of a co-operative farming society, the ceiling area of such society. The assignment will be subject to conditions in rule 9 and also subject to the payment of the value of the surplus land assigned and value for the building and trees thereon. The value is payable in a lump sum or in 20 equal annual instalments with interest at the rate of 5 per cent per annum on the outstanding instalments.

Provision has been made in the rules for an appeal to the Land Commissioner against the order passed by the District Revenue Officer under rule 8 (5).

Sir, I request the House to accept the Motion.

MR. CHAIRMAN : Motor moved— 3-40 p.m.

" That the draft of the Madras Land Reforms (Disposal of Surplus Land) Rules, 1965 which it is proposed to issue under sub-section (1) of section 94 of the Madras Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Madras Act 58 of 1961), be approved under the proviso to the said sub-section."

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, at the outset I have to submit that we are under a difficulty. This motion is brought today. It was not mentioned at the Business Advisory Committee meeting that this would be taken up today. We had not sufficient time to look into the rules proposed to be framed. Only this morning I looked cursorily into the rules and I have to say something on some matters. But we have to carefully prepare and talk on such matters. It would be better also if we do so for the Hon. Minister to reply to the points raised.

Otherwise he may speak at random (Laughter). Therefore it will be better if you give us some time and take up the motion for consideration tomorrow. If we find there is nothing important to mention about the rules, then we will immediately accept them.

THE HON. SRI R. VENKATARAMAN : I have no objection to the motion being taken up for discussion to-morrow.

I move, Sir,

'That the further discussion on the Government Motion be taken up to-morrow'.

MR. CHAIRMAN : The question is—

'That the further discussion on the Government Motion be taken up to-morrow'.

The motion was put and carried.

V.—GOVERNMENT BILLS.

(1) THE MADRAS SALES OF MOTOR SPIRIT TAXATION (AMENDMENT BILL, 1965 (L.A. BILL NO. 18 OF 1965).

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

"That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1965 [a] (L.A. Bill No. 18 of 1965), as passed by the Assembly, be taken into consideration."

Sir, under sub-section (1) of section 3 of the Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939) tax shall be levied on importers and wholesale dealers on all sales of motor spirit effected by them and on all motor spirit used or transferred for consumption by them. The Supreme Court held (in Bhopal Sugar Industries *vs.* Dube—1964 I SCJ 392) that consumption by an owner of goods, in which he deals, is not a sale within the meaning of the Sale of Goods Act, 1930, and, therefore, it is not sale within the meaning of Entry 54 of List II in the Seventh Schedule to the Constitution and that it is not competent for the State Legislature to levy sales tax on motor spirit consumed by the dealer himself for his own vehicles. To give effect to the above decision, it is proposed to amend section 3 (1) suitably and to make consequential amendment in section 6 of the Act.

Under sub-section (3) of section 3, if any person, not liable to tax in respect of any sale of motor spirit, collects any amount purporting to be by way of tax, he should pay over this amount to the Government. The Supreme Court held in Abdul Quadir's case (AIR 1964 SC 922) that a provision requiring that any amount collected by way of tax other than in accordance with the provisions of the Act should be paid over to Government was beyond the competence of the State Legislature. It is, accordingly, proposed to delete sub-section (3) of section 3.

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[a] Printed as Appendix II on pages 265–266 infra.